

Serial No. 09/428,387



Docket No. 17954-15

## DECLARATION AND PETITION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first, and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled DYNAMIC INSERTION OF TARGETED SPONSORED VIDEO MESSAGES INTO MULTIMEDIA INTERNET BROADCASTS, the specification of which was filed on October 28, 1999 as Application Serial No. 09/428,387.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application of which priority is claimed.

## Prior Foreign Application(s)

## Priority Claimed

(Number)	(Country)	(Day, month, year filed)	Yes	No
			Yes	No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	Filing Date	(Status: Patented, pending, abandoned)
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I hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are

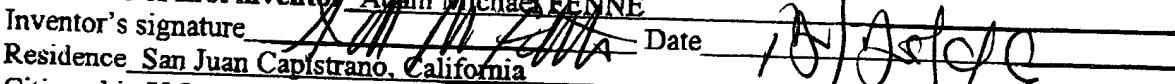
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punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please send all correspondence to:  
**OPPENHEIMER WOLFF & DONNELLY LLP**  
2029 Century Park East, 38th Floor  
Los Angeles, California 90067  
Telephone (310) 788-5000  
Fax (310) 788-5100  
**Attn: Joel D. Voelzke, Esq.**  
Direct Telephone: (310) 788-5032

Wherefore I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration and this petition.

Full name of first inventor Adam Michael FENNE  
Inventor's signature  Date 10/05/99  
Residence San Juan Capistrano, California  
Citizenship U.S.A.  
Post Office Address 31726 Rancho Viejo Road, Suite 121, San Juan Capistrano, CA 92674

Full name of second inventor \_\_\_\_\_  
Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence \_\_\_\_\_  
Citizenship \_\_\_\_\_  
Post Office Address \_\_\_\_\_

**PATENT**

Applicant: Adam Michael FENNE  
Serial No.: 09/428,387  
Filed: October 28, 1999

Title: DYNAMIC INSERTION OF TARGETED SPONSORED  
VIDEO MESSAGES INTO MULTIMEDIA INTERNET  
BROADCAST

Examiner: Unassigned  
Group Art Unit: 2743

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Commissioner for Patents and Trademarks  
Washington, D.C. 20231

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 C.F.R 1.9(F) AND 1.27(C)) — Small Business Concern**

I declare that I am the owner or an officer of the small business concern identified below, and I am empowered to act on its behalf:

Name of Concern: Pixelon, Inc.  
Address of Concern: 31726 Rancho Viejo Road, Suite 121  
San Juan Capistrano, CA 92674

I declare that this small business concern qualifies as a small business concern as defined in 13 C.F.R. § 121.3-18, and reproduced in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees under 35 U.S.C. § 41(a) and (b), in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to this invention, which is described in the specification filed with this declaration.

The rights held by this small business concern are exclusive.

The rights held by this small business concern are not exclusive. Each individual, concern or organization having rights to the invention is listed below. No rights to the invention

are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. § 1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a non-profit organization under 37 C.F.R. § 1.9(e).

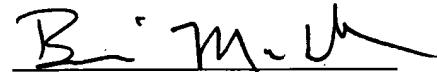
Full Name:

Address:

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

I declare that all statements made in this document of my own knowledge are true. I believe all statements made on information and belief are true. I make these statements with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing from the application.

January 14, 2000



Brian MacDonald  
Chief Financial Officer